IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

OP.No. 15246 of 2003(M)

PETITIONER:

M/S.VICTORY PAPERS & BOARDS INDIA LTD,
MANNARKADU, VENGODI, ELAPPULLI, PALAKKAD,
REPRESENTED BY ITS JOINT MANAGING DIRECTOR.

BY ADV. SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY ITS
SECRETARY, PRINTING & STATIONERY DEPARTMENT,
GOVERNMENT OF KERALA, THIRUVANANTHAPURAM.

2. CONTROLLER OF STATIONARY,
GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

3. SECRETARY TO GOVERNMENT, HIGHER
EDUCATION DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

BY ADV.SMT.SMITHA, GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 05/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.No. 15246/2003

ORDER ON CMP NO. 25360/2003 IN O.P.No. 15246/2003

DISMISSED.

05/03/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF ONE OF THE LETTER OF ACCEPTANCE BY THE 2ND RESPONDENT.

P2 : COPY OF ONE OF THE TENDER OFFER BY THE PETITIONER.

P3 : COPY OF THE CHART SHOWING THE DETAILS OF INVOICES, SANCTION ORDERS NUMBER AND DATE, PAYMENTS DETAILS ETC. FOR EVERY ORDER PETITIONER RECEIVED FROM THE 2ND RESPONDENT.

P4 : COPY OF THE CALCULATION SHOWING TOTAL DISCOUNT DEDUCTED + INTEREST FOR DELAYED PAYMENT.

P5 : COPY OF THE REPRESENTATION DATED 19/5/2001 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.

P6 : COPY OF THE ORDER DATED 05/11/2001 ISSUED BY THE 3RD RESPONDENT.

RESPONDENT'S EXHIBITS

R2(a): COPY OF AGREEMENT DATED 23/9/2000 BETWEEN CONTRACTOR & GOVERNMENT OF KERALA.

R2(b): COPY OF TENDER CONDITION.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 15246 of 2003

Dated, this the 5th day of March, 2007

J U D G M E N T

Question raised is whether the 2% retained by the Government from bills is towards trade discount or cash discount. The learned counsel for the petitioner submits that the petitioner first prefers to go for a settlement with the Government and accordingly he is not pressing the original petition at present. This original petition is accordingly closed leaving freedom to the petitioner to approach court for appropriate relief, if there is any dispute surviving in the matter after efforts for settlement are over.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg